

### Amendments to the Claims

A complete list of pending claims follows:

1. (Currently Amended) A method for failover in a cluster having two or more servers, the two or more servers operative with each other by a heartbeat mechanism, comprising:

~~copying~~duplexing, at a predetermined time interval, a transaction queue ~~from~~of a first server of the two or more servers to a shared storage device, wherein the shared storage device is communicatively coupled to at least two of the two or more servers;

detecting a failure of the first server of the two or more servers, wherein detecting comprises detecting a failure via the heartbeat mechanism;

transferring a transaction queue from the first server to a second server of the two or more servers after detecting the failure of the first server; and

servicing the transactions of the transaction queue of the first server by the second server.

2. (Cancelled)

3. (Currently Amended) The method of claim 12, wherein the failure is an unstable application.

4. (Currently Amended) The method of claim 12, wherein the failure is a data path.

5. (Original) The method of claim 1, wherein transferring comprises:  
forwarding the transaction queue from the first server to the second server via the heartbeat mechanism.

6. (Original) The method of claim 1, wherein transferring comprises:

forwarding the transaction queue from the first server to the second server via a network of the cluster.

7. (Currently Amended) A method for failover of a server in a cluster having two or more servers, the two or more servers operative with each other by a heartbeat mechanism, comprising:

~~copying~~ duplexing a transaction queue ~~from~~ of a first of the two or more servers to a shared storage device;

detecting a failure of the first server, wherein detecting comprises detecting a failure via the heartbeat mechanism;

transferring the transaction queue from the shared storage device to a second server of the two or more servers after detecting the failure of the first server; and

servicing the transactions of the transaction queue of the first server by the second server.

8. (Cancelled)

9. (Currently Amended) The method of claim 78, wherein the failure is an unstable application.

10. (Currently Amended) The method of claim 78, wherein the failure is a data path.

11. (Original) The method of claim 7, wherein transferring comprises:

forwarding the transaction queue from the shared data source to the second server via a network of the cluster.

12. (Previously Amended) The method of claim 7, wherein servicing the transactions of the transaction queue of the first server by the second server occurs without waiting until the transactions timeout.

13. (Previously Presented) The method of claim 7, wherein servicing the transactions of the transaction queue of the first server by the second server occurs without waiting until the transactions timeout.

14. (Currently Amended) A method for failover in a cluster having two or more servers, the two or more servers operative with each other by a heartbeat mechanism, comprising:

~~copying~~duplexing, at a predetermined time interval, a transaction queue ~~from~~of a first server of the two or more servers to a shared storage device, wherein the shared storage device is communicatively coupled to at least two of the two or more servers;

detecting a failure of the first server of the two or more servers, wherein detecting comprises detecting a failure via the heartbeat mechanism;

transferring a transaction queue from the first server to the remaining servers of the two or more servers after detecting the failure of the first server; and

servicing the transactions of the transaction queue of the first server by the remaining servers.

15. (Previously Presented) The method of claim 14, wherein transferring a transaction queue from the first server to the remaining servers of the two or more servers comprises transferring one or more selected portions of the transaction queue to one or more of the remaining servers.

16. (Cancelled)

17. (Currently Amended) The method of claim ~~14~~16, wherein the failure is an unstable application.

18. (Currently Amended) The method of claim 1416, wherein the failure is a data path.

19. (Previously Presented) The method of claim 14, wherein transferring comprises:  
forwarding the transaction queue from the first server to the remaining servers of the two or more servers via the heartbeat mechanism.

20. (Previously Presented) The method of claim 14, wherein servicing the transactions of the transaction queue of the first server by the remaining servers of the two or more servers occurs without waiting until the transactions timeout.